T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			25-Sep-07	APPL. S. N:	10774059		
o Exam	niner:		VO, NGUYEN THANH	Art Unit	2618		
rom			Gunter-Riley, Joyce PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68		
SUBJEC	T: Decisio	on on Termina	al Disclaimer(T.D.) filed:				
orm par or have	ragraphs i any quest	identified by t tions, please s	ed the submitted T.D. with the re his informal memo in your next C see me or the Special Program Ex O APPLICANT OR (2) PLACED OF	Office action to notify applicant of aminer. THIS IS AN INFORMAL, I	the T.D. If you disagree INTERNAL MEMO ONLY.		
lease ir	nitial, date	e and return t	his memo to me. THANK YOU.				
⊡	The T.D.	is PROPER a	nd has been recorded (see 14.23)).	•		
Γ.	The T.D.	is NOT PROP	ER and has not been accepted for	r the reason(s) checked below (so	ee 14.24):		
		The TD fee o	,	ed nor is there any authorization i	in the application file for the		
	C	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).					
	Γ.	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).					
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).					
	The person who signed the T.D.:						
		is r	not an attorney "of record" (see 1	4.29 and 14.29.01).			
		[] has	s failed to state his/her capacity t	o sign for the business entity (see	e 14.28).		
		is r	not recognized as an officer of the	e assignee (see 14.29 & possible	14.29.02).		
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).					
	Γ	The T.D. is not signed (see 14.26 & 14.26.03).					
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).					
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).					
		The period d	isclaimed is incorrect or not speci	ified (see 14.26, 14.27.02 or 14.2	26.03).		
	C.	Other:					
	Γ		o request refund (see 14.36). NO heck this item.	TE: If already authorized, credit	refund to deposit account		
have a	ppropriate	ely notified ap	plicant(s) of the status of the Ter	minal Disclaimer filed in this case	2.		
x.Initia	ls:	Dat	te.		Log Date:		

Application Number	10/774,059	R	Applicant(s)/Patent (Reexamination PEDLAR ET AL.	inder			
Document Code - DISQ		Internal Document – DO NOT MAIL					
·							
TERMINAL DISCLAIMER	⊠ APPROVI	ED	☐ DISAPPI	ROVED			
Date Filed : September 11, 2007	This patent is subject to a Terminal Disclaimer						
Approved/Disapproved by:							
Henry D. Jefferson							

U.S. Patent and Trademark Office

PTO/SB/25 (04-07) Approved for use through 09/30/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.						
TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) 1578.602					
In re Application of: David Winstone Pedlar et al.						
Application No.: 10/774,059						
Filed: February 6, 2004						
For: Apparatus and Method for Operating a Communications Device in a Mobile Communications Network						
The owner*. M-STACK LIMITED , of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/774,306 , filed on February 6, 2004 , as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.						
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.						
Check either box 1 or 2 below, if appropriate.						
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.						
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
2. The undersigned is an attorney or agent of record. Reg. No. 38,324						
•						
/Jack D. Stone, Jr./ Signature	September 11, 2007 Date					
·	Date					
Typed or printed name						
	(214) 706-4207					
	Telephone Number					
Terminal disclaimer fee under 37 CFR 1.20(d) is included.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.						

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/25 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) 1578.602				
In re Application of: David Winstone Pedlar et al.					
Application No.: 10/774,059					
Filed: February 6, 2004	1				
For: Apparatus and Method for Operating a Communications Device in a Mobile Communications Network					
The owner*, M-STACK LIMITED , of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/774,307 , filed on February 6, 2004 , as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.					
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.					
Check either box 1 or 2 below, if appropriate.					
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.					
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
2. The undersigned is an attorney or agent of record. Reg. No. 38,324					
/Jack D. Stone, Jr./	September 11, 2007				
Signature	Date				
Jack D. Stone, Jr. Typed or printed name					
	(214) 706-4207				
	Telephone Number				
Terminal disclaimer fee under 37 CFR 1.20(d) is included.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).					

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.